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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 AMIR M. HUJJUTALLAH,

8 Plaintiff(s),

9 v.

10 EQUIFAX DATA SERVICES LLC, et al.,

11 Defendant(s).

Case No. 2:24-cv-01486-CDS-NJK

ORDER

[Docket No. 4]

12 Plaintiff is proceeding in this action *pro se* and has requested authority pursuant to
13 28 U.S.C. § 1915 to proceed *in forma pauperis*.

14 **I. In Forma Pauperis Application**

15 Plaintiff filed an amended application to proceed *in forma pauperis* as required by
16 § 1915(a). Docket No. 4.¹ Plaintiff has therein shown an inability to prepay fees and costs or give
17 security for them. Accordingly, the amended application to proceed *in forma pauperis* (Docket
18 No. 4) will be granted pursuant to 28 U.S.C. § 1915(a).

19 **II. Screening the Complaint**

20 Upon granting an application to proceed *in forma pauperis*, courts additionally screen the
21 complaint pursuant to § 1915(e). Federal courts are given the authority to dismiss a case if the
22 action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted,
23 or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).
24 When a court dismisses a complaint under § 1915, the plaintiff should be given leave to amend the
25 complaint with directions as to curing its deficiencies, unless it is clear from the face of the
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28 ¹ The initial application was rejected because it was not signed. *See* Docket No. 3.

1 complaint that the deficiencies could not be cured by amendment. *See Cato v. United States*, 70
2 F.3d 1103, 1106 (9th Cir. 1995).

3 A properly pled complaint must provide a short and plain statement of the claim showing
4 that the pleader is entitled to relief. Fed. R. Civ. P. 8(a)(2); *Bell Atlantic Corp. v. Twombly*, 550
5 U.S. 544, 555 (2007). Although Rule 8 does not require detailed factual allegations, it demands
6 “more than labels and conclusions” or a “formulaic recitation of the elements of a cause of action.”
7 *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Papasan v. Allain*, 478 U.S. 265, 286 (1986)).
8 Litigants are required to provide a short, plain statement of their claims setting forth coherently
9 who is being sued, for what relief, and on what theory, with enough detail to guide discovery,
10 *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996). Although the pleadings of *pro se* litigants
11 are construed liberally, they must still comply with this requirement. *E.g., Montgomery v. Las*
12 *Vegas Metro. Police Dept.*, 2014 WL 3724213, at *3 n.3 (D. Nev. July 28, 2014). When litigants
13 have not complied with the dictates of Rule 8(a), courts may dismiss the complaint *sua sponte*.
14 *See, e.g., Apothio, LLC v. Kern Cnty.*, 599 F. Supp. 3d 983, 1000 (E.D. Cal. 2022) (collecting
15 cases).

16 In this case, Plaintiff initially filed a proposed complaint that was rejected because it was
17 not signed. *See* Docket No. 3; *see also* Docket No. 1-2. The Court ordered Plaintiff to file a signed
18 proposed complaint by August 28, 2024. Docket No. 3 at 1. On August 26, 2024, Plaintiff attached
19 to his renewed application to proceed *in forma pauperis* a document consisting of a collection of
20 exhibits. *See* Docket No. 4-1. Given the procedural circumstances, it appears that this document
21 is meant to act as Plaintiff’s amended complaint.² Compiling a grouping of exhibits, however,
22 does not substitute for the requirement for providing a short, plain statement of the claims. *See*
23 *Carroll v. Spearman*, 2018 WL 1392119, at *3 (E.D. Cal. Mar. 20, 2018) (explaining that “[t]he
24 court is not required to review exhibits to determine what plaintiff’s charging allegations are as to
25 each named defendant”), *adopted*, 2018 WL 2716939 (E.D. Cal. June 6, 2018); *see also United*

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27 ² It is well established that “an amended complaint supersedes the original,” with the initial
28 complaint being treated thereafter as “non-existent.” *Ramirez v. Cnty. of San Bernardino*, 806
F.3d 1002, 1008 (9th Cir. 2015). As such, the Court will screen the amended complaint without
referencing back to the original complaint.

1 *States ex rel. Garst v. Lockheed–Martin*, 328 F.3d 374, 378 (7th Cir. 2003) (“Rule 8(a) requires
2 parties to make their pleadings straightforward, so that judges and adverse parties need not try to
3 fish a gold coin from a bucket of mud”).

4 For these reasons, the amended complaint is **DISMISSED** with leave to amend. The Court
5 does not require evidence in support of Plaintiff’s claims at this time, but rather a short, plain
6 statement showing that he has a colorable claim on which to proceed.

7 **III. Conclusion**

8 Accordingly, **IT IS ORDERED** that:

- 9 1. Plaintiff’s application to proceed *in forma pauperis* (Docket No. 4) is **GRANTED**.
10 Plaintiff shall not be required to pay the filing fee. Plaintiff is permitted to maintain
11 this action to conclusion without the necessity of prepayment of any additional fees or
12 costs or the giving of a security therefor. This order granting leave to proceed *in forma*
13 *pauperis* shall not extend to the issuance and/or service of subpoenas at government
14 expense.
- 15 2. The Clerk’s Office is **INSTRUCTED** to file the amended complaint (Docket No. 4-1)
16 on the docket.
- 17 3. Plaintiff’s amended complaint is **DISMISSED** with leave to amend. Plaintiff will have
18 until **January 10, 2025**, to file a second amended complaint, if the noted deficiencies
19 can be corrected. If Plaintiff chooses to further amend the complaint, Plaintiff is
20 informed that the Court cannot refer to a prior pleading (i.e., the original complaint or
21 amended complaint) in order to make the second amended complaint complete. This
22 is because, as a general rule, an amended complaint supersedes earlier pleadings. Local
23 Rule 15-1(a) requires that an amended complaint be complete in itself without
24 reference to any prior pleading. Once a plaintiff files an amended complaint, the earlier
25 pleadings no longer serve any function in the case. Therefore, in an amended complaint,
26 each claim and the involvement of each defendant must be sufficiently alleged.

1 4. **Failure to file a second amended complaint by the deadline set above will result in**
2 **the recommended dismissal of this case.**

3 IT IS SO ORDERED.

4 Dated: December 13, 2024

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8 Nancy J. Koppe
9 United States Magistrate Judge
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